



# United States Department of the Interior

## BUREAU OF LAND MANAGEMENT

Utah State Office

440 West 200 South, Suite 500

Salt Lake City, UT 84101-1345

<https://www.blm.gov/utah>



In Reply Refer To:  
3474 (UT-9223)  
UTU-73339 (LMU)

OCT 15 2018

CERTIFIED MAIL – 91 7199 9991 7038 2299 9841

CERTIFIED MAIL – 91 7199 9991 7038 2299 9834

### DECISION

#### Principal:

Fossil Rock Resources LLC  
225 North 5<sup>th</sup> Street, Suite 900  
Grand Junction, Colorado 81501

Coal Logical Mining Unit  
UTU-73339

#### Surety:

Endurance Assurance Corporation  
4 Manhattanville Road  
Purchase, New York 10577

Current Bond Amount: \$115,000  
Bond No: EACX179000195  
BLM Bond No: UTB000673

### Bond Accepted

On September 17, 2018, Fossil Rock Resources LLC, operator of the Tail Mountain Logical Mining Unit (LMU) UTU-73339, submitted a surety bond (No. EACX179000195) in the amount of \$115,000, with Castle Valley Mining, L.L.C., as principal, and Endurance Assurance Corporation, as surety.

This bond has been examined, found to be satisfactory and is hereby accepted effective the date of filing. This bond covers production royalties for production on any of the federal coal leases within this logical mining unit. The regulations at 43 CFR 3474.2 does allow for the amount of any bond to be increased when additional coverage is determined to be appropriate. A written request must be submitted when you want to have the period of liability of this bond terminated.

If you have further questions, please contact Judy Nordstrom at (801) 539-4108.

Jeff McKenzie

Acting Chief, Branch of Minerals

cc: State Division of Oil, Gas and Mining  
Price Field Office

UNITED STATES DEPARTMENT OF  
THE INTERIOR BUREAU OF LAND  
MANAGEMENT

**BOND\* UNDER LEASE FOR  
MINING DEPOSITS**

FORM APPROVED  
OMB NO. 1004-0029  
Expires: August 31, 2019

Serial Number  
UTU-73339

Bond Number  
EACX179000195

(UTB000673)

Know All Men By These Presents, That Fossil Rock Resources, LLC

of 225 N. 5th Street, Suite 900, Grand Junction, CO 81501

, as principal,

and Endurance Assurance Corporation

of 4 Manhattanville Road, Purchase, NY 10577

, as surety,

are held and firmly bound unto the United States in the sum of One Hundred Fifteen Thousand and 00/100-----

dollars

(\$ 115,000.00), lawful money of the United States, for the payment of which, well and truly to be made, we bind ourselves, and each of us, and each of our heirs, executors, administrators, and successors, jointly and severally, firmly by these presents

The conditions of this obligation are such, that whereas the said principal entered into a lease of the lands described therein and upon conditions therein expressed, which lease bears the above serial number.

Now, Therefore, if the said principal, his heirs, executors, administrators, or successors, will faithfully carry out the obligations and observe the requirements of said lease, and will duly keep, perform, and abide by each and every term and provision of said lease as therein stipulated and agreed, then this obligation will be null and void; otherwise to remain in full force and effect.

Signed on this 9th day of July, 2018, in the presence of:

  
(Signature of Witness)


Ryan Wilson  
(Printed Name of Witness)

  
(Signature of Principal)


Brian S. Settles, Senior VP  
(Printed Name of Signer)

225 N 5th St, Suite 900, Grand Junction, CO 81501  
(Address of Witness)

225 N. 5th Street, Suite 900, Grand Junction, CO 84501  
(Address of Principal)

  
(Signature of Witness)

Theresa Pickerrell  
(Printed Name of Witness)

  
(Signature of Surety)

Brook T. Smith, Attorney-in-Fact  
(Printed Name of Signer)

2307 River Road, Suite 200, Louisville, KY 40206  
(Address of Witness)

4 Manhattanville Road, Purchase, NY 10577  
(Address of Surety)

(Signature of Witness)

(Printed Name of Witness)

(Signature of Surety)

(Printed Name of Signer)

(Address of Witness)

(Address of Surety)

Title 18 U.S.C. Section 1001 and Title 43 U.S.C. Section 1212, make it a crime for any person knowingly and willfully to make to any department or agency of the United States any false, fictitious or fraudulent statements or representations as to any matter within its jurisdiction

\* This form of bond may be used in connection with coal, phosphate, and sodium leases, Act of February 25, 1920, as amended (30 U.S.C. 181 et seq.); potassium leases, Act of February 7, 1927, as amended (30 U.S.C. 281 et seq.); sulphur leases, Act of April 17, 1926, as amended (30 U.S.C. 271 et seq.); all such leases involving acquired lands, Act of August 7, 1947 (30 U.S.C. 351), and asphalt leases, Act of June 28, 1941 (30 U.S.C. 463, 483-485), by inserting the particular mineral applicable in the space provided therefore. If this bond is executed by a corporation, it must bear the corporate seal.

## NOTICES

The Privacy Act of 1974 and the regulation in 43 CFR 2.48(d) provide that you be furnished with the following information in connection with information required by this bond form.

**AUTHORITY:** 30 U.S.C. 181 et seq.; 43 CFR Parts 3400 and 3500

**PRINCIPAL PURPOSE:** The Bureau of Land Management (BLM) will use the information you provide to ensure that the United States is fully indemnified against failure to perform under the terms, conditions, and stipulations of a mineral lease.

**ROUTINE USES:** In accordance with the System of Records titled, "Land and Minerals Authorization Tracking System—Interior, LLM-32," disclosure outside the Department of the Interior may be made: (1) To appropriate Federal agencies when concurrence or supporting information is required prior to granting or acquiring a right or interest in lands or resources, (2) To Federal, State, or local agencies or a member of the general public in response to a specific request for pertinent information, (3) To the U.S. Department of Justice or in a proceeding before a court or adjudicative body when (a) the United States, the Department of the Interior, a component of the Department, or when represented by the government, an employee of the Department is a party to litigation or anticipated litigation or has an interest in such litigation, and (b) the Department of the Interior determines that the disclosure is relevant or necessary to the litigation and is compatible with the purpose for which the records were compiled, (4) To an appropriate Federal, State, local, or foreign agency responsible for investigating, prosecuting, enforcing, or implementing a statute, regulation, rule, or order, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation, (5) To a member of Congress or a Congressional staff member from the record of an individual in response to an inquiry made at the request of that individual, (6) To the Department of the Treasury to effect payment to Federal, State, and local government agencies, nongovernmental organizations, and individuals, and (7) To individuals involved in responding to a breach of Federal data. The BLM will only disclose this information in accordance with the Freedom of Information Act, the Privacy Act, and the provision in 43 CFR 2.56(c).

**EFFECT OF NOT PROVIDING INFORMATION:** Filing of this information is required to obtain and keep a benefit. If you do not provide a bond, BLM will not issue a mineral lease

The Paperwork Reduction Act of 1995 requires us to inform you that:

BLM collects this information to comply with the regulations at 43 CFR Parts 3400 and 3500, which implement the provisions of the Mineral Leasing Act of 1920, as amended; the Mineral Leasing Act for Acquired Land of 1947; and Section 402 of Reorganization Plan No. 3 of 1946.

BLM uses the information to protect the interests of the United States in cases where lessees fail to perform under the terms, conditions, and stipulations of their mineral leases.

Response to this request is required to obtain and keep a benefit.

BLM would like you to know that you do not have to respond to this or any other Federal agency-sponsored information collection unless it displays a currently valid OMB control number.

**BURDEN HOURS STATEMENT:** Public reporting burden for this form is estimated to average 4 hours per response, including the time for reviewing instructions, gathering and maintaining data, and completing and reviewing the form. Direct comments regarding the burden estimate or any other aspect of this form to: U.S. Department of the Interior, Bureau of Land Management, (1004-0121), Bureau Information Collection Clearance Officer (WO-630), 1849 C Street, N.W., Room 2134 LM, Washington, D.C. 20240.

# ENDURANCE ASSURANCE CORPORATION

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## POWER OF ATTORNEY

**Know all Men by these Presents**, that ENDURANCE ASSURANCE CORPORATION, a Delaware corporation (the "Corporation"), with offices at 4 Manhattanville Road, 3rd Floor, Purchase, NY 10577, has made, constituted and appointed and by these presents does make, constitute and appoint BROOK T. SMITH, WILLIAM R. PRECIOUS, DEBORAH S. NEICHTER, JAMES T. SMITH, JASON D. CROMWELL, RAYMOND M. HUNDLEY, MICHELE DAWN LACROSSE, RYAN C. BRITT, MICHAEL DIX, JAMES H. MARTIN its true and lawful Attorney(s)-in-fact, at LOUISVILLE in the State of KY and each of them to have full power to act without the other or others, to make, execute and deliver on its behalf, as surety or co-surety, bonds and undertakings given for any and all purposes also to execute and deliver on its behalf as aforesaid renewals, extensions, agreements, waivers, consents or stipulations relating to such bonds or undertakings provided however, that no single bond or undertaking so made, executed and delivered shall obligate the Corporation for any portion of the penal sum thereof in excess of the sum of TEN MILLION Dollars (\$10,000,000).

Such bonds and undertakings for said purposes, when duly executed by said attorney(s)-in-fact, shall be binding upon the Corporation as fully and to the same extent as if signed by the President of the Corporation under its corporate seal attested by its Corporate Secretary

This appointment is made under and by authority of certain resolutions adopted by the Board of Directors of the Corporation by unanimous written consent on the 8th of January, 2014, a copy of which appears below under the heading entitled "Certificate".

This Power of Attorney is signed and sealed by facsimile under and by authority of the following resolution adopted by the Board of Directors of the Corporation by unanimous written consent on January 9, 2014 and said resolution has not since been revoked, amended or repealed:

RESOLVED, that in granting powers of attorney pursuant to certain resolutions adopted by the Board of Directors of the Corporation by unanimous written consent on January 9, 2014, the signature of such directors and officers and the seal of the Corporation may be affixed to any such power of attorney or any certificate relating thereto by facsimile and any such power of attorney or certificate bearing such facsimile signature or seal shall be valid and binding upon the Corporation in the future with respect to any bond or undertaking to which it is attached

IN WITNESS WHEREOF, the Corporation has caused these presents to be duly signed and its corporate seal to be hereunto affixed and attested this 8th day of May, 2018 at Purchase, New York.

(Corporate Seal)  
ATTEST

MARIANNE L. WILBERT, SENIOR VICE PRESIDENT

ENDURANCE ASSURANCE CORPORATION

By *Sharon L. Sims*  
SHARON L. SIMS, SENIOR VICE PRESIDENT

STATE OF NEW YORK  
COUNTY OF WESTCHESTER

ss: PURCHASE

On the 18th day of May, 2018 before me personally came SHARON L. SIMS, SENIOR VICE PRESIDENT to me known, who being by me duly sworn, did depose and say that (s)he resides in SCOTCH PLAINS, NEW JERSEY that (s)he is a SENIOR VICE PRESIDENT of ENDURANCE ASSURANCE CORPORATION, the Corporation described in and which executed the above instrument; that (s)he knows the seal of said Corporation; that the seal affixed to said instrument is such corporate seal that it was so affixed by order of the Board of Directors of said Corporation; and that (s)he signed his (her) name thereto by like order.  
(Notarial Seal)

*Nicholas James Benenati*

NICHOLAS JAMES BENENATI, Notary Public - My Commission Expires 12/07/2019

## CERTIFICATE

STATE OF NEW YORK  
COUNTY OF NEW YORK

ss: MANHATTAN

I, CHRISTOPHER DONELAN the PRESIDENT of ENDURANCE ASSURANCE CORPORATION, a Delaware Corporation (the "Corporation"), hereby certify:

1. That the original power of attorney of which the foregoing is a copy was duly executed on behalf of the Corporation and has not since been revoked, amended or modified; that the undersigned has compared the foregoing copy thereof with the original power of attorney and that the same is a true and correct copy of the original power of attorney and of the whole thereof;
2. The following are resolutions which were adopted by the Board of Directors of the Corporation by unanimous written consent on January 9, 2014 and said resolutions have not since been revoked, amended or modified:

"RESOLVED, that each of the individuals named below is authorized to make, execute, seal and deliver for and on behalf of the Corporation any and all bonds, undertakings or obligations in surety or co-surety with others:

CHRISTOPHER DONELAN, SHARON L. SIMS, MARIANNE L. WILBERT

And be it further

RESOLVED, that each of the individuals named above is authorized to appoint attorneys-in-fact for the purpose of making, executing, sealing and delivering bonds, undertakings or obligations in surety or co-surety for and on behalf of the Corporation"

3. The undersigned further certifies that the above resolutions are true and correct copies of the resolutions as so recorded and of the whole thereof

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal this 9th day of July, 2018.

(Corporate Seal)

*Christopher Donelan*  
CHRISTOPHER DONELAN, PRESIDENT

Any reproductions are void.

Primary Surety Claims Submission: [suretybondclaims@sompo-intl.com](mailto:suretybondclaims@sompo-intl.com)  
Surety Claims Hotline: 877-878-7575

Mailing Address: Surety Claims Department, Sompo International, 1221 Avenue of the Americas, 18th Floor, New York, NY 10020